

January 24, 2019

Freedom of Information Request
U.S. Department of the Treasury
FOIA/PA Request
FOIA and Transparency
Department of the Treasury
Washington, D.C. 20220
via email: TreasFOIA@Treasury.gov

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

RECORDS SOUGHT

The records sought are:

1. All emails sent or received by Secretary of the Treasury Steven Mnuchin, or Director of the Office of Foreign Assets Control Andrea Gacki, during the time period April 1, 2018 to Jan. 1, 2019 containing any of the following terms:
 - a. Oleg Deripaska
 - b. Lord Barker of Battle
 - c. EN+
 - d. EuroSibEnergo
 - e. Rusal
2. This request includes the entire email chain in which Mr. Mnuchin or Ms. Gacki is a sender or recipient (including a "cc" or "bcc") of one or more emails in the chain. This request also includes any attachments. This request also includes emails sent or received by either Mr. Mnuchin or Ms. Gacki using any alias. This request also includes official communications sent or received by Mr. Mnuchin or Ms. Gacki using any non-Treasury email account.

FORMAT

The requesters ask that any releases stemming from this request be provided in digital format (soft-copy) via email or on a compact disc or other like media.

FEE CATEGORY AND FEE WAIVER

I am an investigative reporter for BuzzFeed News.

Exhibit A

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

I do not have any commercial interest in the records sought and am seeking them for the purpose of writing news stories to help the public understand the operations and activities of the Treasury Department. I firmly intend to analyze the requested records in order to facilitate significant expansion of public understanding of government operations.

REQUEST FOR EXPEDITED PROCESSING

I request expedited processing based on an urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information. In their role the Secretary of the Treasury and the Director of the Office of Foreign Asset Control respectively, Mr. Mnuchin and Ms. Gacki play a vital role in determining U.S. financial sanctions policy around individuals, including Russian oligarch Oleg Deripaska.

There is an urgent need for the public to understand their approach to these issues, given the Department of the Treasury's intent to delist EN+, Rusal, and EuroSibEnergo from the sanctions list.

The lifting of sanctions against EN+, Rusal, and EuroSibEnergo is an action that has been covered extensively by numerous outlets. A small sampling includes:

1. *New York Times*: Trump Administration to Lift Sanctions on Russian Oligarch's Companies¹
2. *CNN*: Treasury plans to lift sanctions on Russian aluminum giant Rusal²

I am a person primarily engaged in dissemination information. Specifically, I am a full-time reporter at BuzzFeed News.

EXEMPTIONS AND SEGREGABILITY

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information "only if . . . disclosure would harm an interest protected by an exemption" or "disclosure is prohibited by law."

The FOIA Improvement Act of 2016 also amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

¹ <https://www.nytimes.com/2018/12/19/us/politics/sanctions-oleg-deripaska-russia-trump.html>

² <https://www.cnn.com/2018/12/19/business/treasury-sanctions-lifted-rusal/index.html>

- (I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or
- (II) disclosure is prohibited by law; and
- (ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and
- (II) take reasonable steps necessary to segregate and release nonexempt information. . .

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”

Moreover, the Vaughn index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.” Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”

In addition, I ask that your agency exercise its discretion to release records which may be technically exempt, but where withholding serves no important public interest.

ADDITIONAL INSTRUCTIONS REGARDING REQUEST

If a portion of the responsive records become available before the entire request is complete, I respectfully request that the Treasury Department provide records on a rolling basis.

I certify under penalty of perjury that the foregoing statements are true and correct.
Executed: 01/24/2019 /s/ John Templon

Please do not hesitate to contact me if you have any questions concerning this request. Thank you. I appreciate your time and attention to this matter. My email is john.templon@buzzfeed.com and office number is 646-214-7158.